

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

Dealer Management Systems Antitrust
Litigation, et al.

Plaintiff,

v.

Case No.: 1:18-cv-00864
Honorable Rebecca R.
Pallmeyer

CDK Global, LLC, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, June 4, 2024:

MINUTE entry before the Honorable Rebecca R. Pallmeyer: The Dealership Plaintiffs have moved [1511] the court to clarify its May 2, 2024 Order [1489]. The Dealers claim that Defendant CDK has raised issues in Sections II.A and III.A & B of its sur-reply [1510] that go beyond the scope of that Order. The Dealers assert, further, that CDK appears to have ignored this court's direction to limit its sur-reply to 15 pages instead choosing to file a 15-page brief supplemented by an 11-page appendix that amounts to additional legal briefing. Accordingly, the Dealers request that the court either (1) strike Sections II.A and III.A & B and Appendix G of CDK's sur-reply, (2) strike CDK's Appendix G only, or (3) allow the Dealers an extension until June 17, 2024 to file a ten-page response, an appendix, and an accompanying expert report. The court grants Dealers' motion [1511] in part and denies it in part. The court did not limit the topics that CDK could raise in its sur-reply, and thus will not strike any portion of its briefing. Of course, arguments that were not raised by a party in its initial round of briefing cannot be raised for the first time in a sur-reply, but the court will handle any potential waiver issues in its forthcoming Opinion and Order on class certification rather than doing so separately now. The court is disappointed to observe that the Dealers appear to be correct in their assessment that CDK's purported "appendix" is in reality an attempt to skirt the 15-page limit. Thus, in fairness to the Dealership Plaintiffs, the court will permit the Dealers to file a ten-page response, an appendix, and an accompanying expert report and extend the deadline to do so to June 14, 2024. The deadline and page-limit related to the Vendor Plaintiffs response to CDK's sur-reply remains the same as set in the court's May 2 Order. There will be no further briefing. Mailed notice. (cp,)

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